

IN THE SENATE

SENATE BILL NO. 1074

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1 RELATING TO AVIATION; AMENDING SECTION 21-401, IDAHO CODE, TO PROVIDE THAT
2 SPECIFIED LAW SHALL NOT APPLY TO CERTAIN PROVISIONS REGARDING AVIATION;
3 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 21-401, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 21-401. AUTHORITY TO PROVIDE FACILITIES -- EXPENSE -- ISSUANCE OF
9 BONDS -- DUTIES OF COMMISSIONERS AND COUNCILMEN -- RESTRICTION ON LEASE OF
10 FACILITIES. Counties, highway districts and cities are hereby authorized to
11 acquire by purchase, lease, condemnation, or otherwise, take over and hold
12 lands either wholly or partly within or without the boundaries or corporate
13 limits of such counties, highway districts or cities, or wholly or partly
14 within or without the state of Idaho, for the purpose of constructing and
15 maintaining aviation fields, airports, hangars and other air navigation
16 facilities; to provide equipment necessary or incidental to the maintenance
17 and operation of such aviation fields or airports; to maintain, operate and
18 manage such aviation fields, airports and grounds and prescribe rules and
19 regulations for the maintenance, operation and management thereof, and fix
20 fees and rentals to be charged for the use of the same or any part thereof;
21 to survey, plat, map, grade, ornament and otherwise improve such lands and
22 all appurtenances thereto, whether owned and operated or owned or leased by
23 such counties, highway districts or cities, and all approaches and avenues
24 leading to or adjacent thereto; to lease for aviation purposes or for any
25 purposes connected therewith and incidental thereto and for such commercial
26 purposes as the governing bodies of such counties, highway districts and
27 cities may determine upon all or any part of the land or lands so required,
28 under such regulations and upon such terms and conditions as shall be es-
29 tablished by such governing bodies, and not subject to the limitation as to
30 length of term prescribed in section 31-836, Idaho Code, and the provisions
31 of section 31-836(1), Idaho Code, shall specifically not apply to the provi-
32 sions of this section; to construct, operate and maintain hangars, buildings
33 and equipment necessary or convenient to the maintenance and operation of
34 aviation fields or airports.

35 Counties, highway districts and cities are hereby empowered to provide
36 for all costs and expenses necessary or incident to the exercise of the fore-
37 going powers or the attainment of the foregoing objects or any of them, out of
38 the general funds or out of any of the funds made available for such purposes,
39 of such counties, highway districts and cities, or to issue bonds pursuant
40 to law for the payment of any or all of such costs and expenses except for the
41 maintenance and operation of such aviation fields or airports. Nothing con-

1 tained in this chapter shall be construed to increase the maximum of any tax
2 levies for counties, highway districts or cities.

3 The boards of county commissioners of their respective counties, the
4 highway commissioners of their respective highway districts and the coun-
5 cilmen of their respective cities, shall have jurisdiction and power under
6 such limitations and restrictions as are prescribed by law to carry into full
7 force and effect all of the provisions of this law.

8 Such aviation fields or airports shall in no case be leased to any per-
9 son, association or corporation under such terms or conditions as to give
10 such person, association or corporation, the exclusive right to the use of
11 such aviation fields or airports.

12 SECTION 2. An emergency existing therefor, which emergency is hereby
13 declared to exist, this act shall be in full force and effect on and after
14 July 1, 2023.